

**General Docket**  
**United States Court of Appeals for the Ninth Circuit**

<b>Court of Appeals Docket #:</b> 21-15755	<b>Docketed:</b> 04/27/2021
<b>Nature of Suit:</b> 3555 Prison Condition	
Michael Rivera v. Unknown	
<b>Appeal From:</b> U.S. District Court for Northern California, San Francisco	
<b>Fee Status:</b> IFP Pending In COA	

**Case Type Information:**

- 1) prisoner
- 2) state
- 3) civil rights

**Originating Court Information:****District:** 0971-3 : 3:20-cv-09279-JD**Trial Judge:** James Donato, District Judge**Date Filed:** 12/23/2020

Date	Date Order/Judgment	Date NOA	Date Rec'd
<b>Order/Judgment:</b>	<b>EOD:</b>	<b>Filed:</b>	<b>COA:</b>
03/29/2021	03/29/2021	04/26/2021	04/26/2021

**Prior Cases:**

17-55955    **Date Filed:** 07/06/2017    **Date Disposed:** 09/01/2017    **Disposition:** Rule 42-1  
Dismissal - Clerk Order

**Current Cases:**

None

MICHAEL ALEXANDER RIVERA (-: AZ-4100)

Plaintiff - Appellant,

Michael Alexander Rivera

[NTC Pro Se]

KVSP - KERN VALLEY STATE PRISON

Facility A

P.O. Box 5101

Delano, CA 93216

v.

UNKNOWN

Defendant - Appellee,

MICHAEL ALEXANDER RIVERA,

Plaintiff - Appellant,

v.

UNKNOWN,

Defendant - Appellee.

- 04/27/2021 1 DOCKETED CAUSE AND ENTERED APPEARANCE OF PRO SE APPELLANT AND NO APPEARANCE FOR APPELLEE. SEND MQ: No. The schedule is set as follows: Appellant Michael Alexander Rivera opening brief due 06/28/2021. [12088381] (RT) [Entered: 04/27/2021 11:53 AM]
- 04/28/2021 2 Filed clerk order (Deputy Clerk: CKP): Order to show cause docket fee due [12089877] (CKP) [Entered: 04/28/2021 12:27 PM]
- 05/14/2021 3 Received Appellant Michael Alexander Rivera notice requesting docket sheet, FRAP Rules, and documents. [12116178] (RR) [Entered: 05/18/2021 09:08 AM]
- 05/14/2021 4 Filed Appellant Michael Alexander Rivera motion for preliminary injunction and a temporary restraining order. Deficiencies: None. [12116198] (RR) [Entered: 05/18/2021 09:22 AM]
- 05/14/2021 5 Filed Appellant Michael Alexander Rivera motion to proceed In Forma Pauperis. Deficiencies: None. [12116229] (RR) [Entered: 05/18/2021 09:35 AM]

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

JUL 13 2021

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

MICHAEL ALEXANDER RIVERA,

Plaintiff-Appellant,

v.

UNKNOWN,

Defendant-Appellee.

No. 21-15755

D.C. No. 3:20-cv-09279-JD  
Northern District of California,  
San Francisco

ORDER

Before: RAWLINSON, CALLAHAN, and VANDYKE, Circuit Judges.

Upon a review of the record and the responses to the court's May 21, 2021 order, we conclude this appeal is frivolous. We therefore deny appellant's supplemented motion to proceed in forma pauperis (Docket Entry Nos. 5, 7, 14), *see* 28 U.S.C. § 1915(a), and dismiss this appeal as frivolous, pursuant to 28 U.S.C. § 1915(e)(2) (court shall dismiss case at any time, if court determines it is frivolous or malicious).

All other pending motions are denied as moot.

**DISMISSED.**

Case 3:20-cv-09279-JD Document 9 Filed 03/09/21 Page 1 of 1

United States District Court  
Northern District of CaliforniaUNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL ALEXANDER RIVERA,

Plaintiff,

v.

UNKNOWN,

Defendant.

Case No. 20-cv-09279-JD**ORDER OF DISMISSAL**

Plaintiff, a state prisoner acting pro se, filed a civil rights action. Plaintiff was that he had not paid the filing fee, submitted a complete application for leave to proceed pauperis ("IFP") or submitted a formal complaint. He was provided twenty-eight days these deficiencies. More than twenty-eight days has passed, and plaintiff has not paid filed a complete application to proceed IFP or submitted a formal complaint. The case **DISMISSED** without prejudice.

**IT IS SO ORDERED.**

Dated: March 9, 2021

  
\_\_\_\_\_  
JAMES DONATO  
United States District Judge

**PACER fee: Exempt**

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

APR 28 2021

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

MAY 12 2021

MICHAEL ALEXANDER RIVERA,

Plaintiff - Appellant,

v.

UNKNOWN,

Defendant - Appellee.

No. 21-15755

D.C. No. 3:20-cv-09279-JD

U.S. District Court for Northern  
California, San Francisco

**ORDER**

A review of this court's docket reflects that the filing and docketing fees for this appeal remain due. Within 21 days after the date of this order, appellant shall pay to the district court the \$505.00 filing and docketing fees for this appeal and file in this court proof of such payment or file in this court a motion to proceed in forma pauperis.

The filing of a motion to proceed in forma pauperis will automatically stay the briefing schedule under Ninth Circuit Rule 27-11.

The Clerk shall serve a Form 4 financial affidavit on appellant.

If appellant fails to comply with this order, this appeal may be dismissed by the Clerk for failure to prosecute. *See* 9th Cir. R. 42-1.

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2  
3 UNITED STATES DISTRICT COURT  
4 NORTHERN DISTRICT OF CALIFORNIA  
5

6 MICHAEL ALEXANDER RIVERA,

7 Plaintiff,

8 v.

9 UNKNOWN,

10 Defendant.

Case No. 20-cv-09279-KAW

**NOTICE OF IMPENDING  
REASSIGNMENT TO A UNITED  
STATES DISTRICT JUDGE**

11  
12 The Clerk will now reassign this case to a United States District Judge because either:

13 [x] One or more of the parties has requested reassignment to a United States District  
14 Judge or has not consented to the jurisdiction of a United States Magistrate Judge, or

15 [ ] One or more of the parties has sought a type of judicial action (e.g., a temporary  
16 restraining order) that a United States Magistrate Judge may not take without the consent of all  
17 parties, the necessary consents have not been secured, and time is of the essence.

18 **Important:** All hearing dates currently scheduled before KANDIS A. WESTMORE are vacated  
19 and should be re-noticed for hearing before the District Judge to whom this case is reassigned.

20 Dated: February 3, 2021

21  
22 Susan Y. Soong  
23 Clerk, United States District Court

24 By:   
25 Doug Merry, Deputy Clerk to the  
26 Honorable KANDIS A. WESTMORE  
27  
28

**Additional material  
from this filing is  
available in the  
Clerk's Office.**